

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of BRYON DUNCAN, KHADEJAH
REID, MICHALA REID, TIANNA REID,
LAMYA REID, ALEXIS REID, HAILEE REID,
and HOPE REID, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

UNPUBLISHED
May 3, 2005

v

DEANNA REID,

Respondent-Appellant,

No. 257935
Genesee Circuit Court
Family Division
LC No. 02-115778-NA

and

JOHN STEVENSON and LAMANDOUS REID,

Respondents.

Before: Kelly, P.J., and Sawyer and Wilder, JJ.

PER CURIAM.

Respondent-appellant appeals as right from trial court's order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The initial petition was filed in September 2002 with regard to respondent's six older children. It was alleged that one of the children was born positive for marijuana exposure, that marijuana seeds and baggies were confiscated from respondent's home, and that the home contained no food, was infested with lice, and was littered with garbage and dog feces. At a pretrial hearing, respondent admitted that one of her older children was born positive for marijuana. Respondent subsequently gave birth to twin girls on February 14, 2004, a petition was filed regarding these children, and respondent admitted that the twins were born positive for cocaine. She consequently admitted that there was a statutory basis to terminate her parental rights not only to the twins but to her older children as well.

The trial court did not clearly err in determining that statutory grounds for termination were established by clear and convincing evidence.¹ *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). The conditions that led to adjudication were respondent's substance abuse and the conditions of respondent's home. At trial, respondent testified that she had recently moved to Indiana and was receiving help from Porter-Starke Services. According to respondent, she was seeing a therapist for weekly therapy sessions, seeing the therapist for domestic violence issues, and attending an intensive outpatient therapy program. While the therapist did not testify regarding respondent's progress at trial, a letter from the therapist was admitted into evidence. The letter explained how respondent recently began a drug treatment program that would take approximately two to three months to complete. The letter also explained that respondent was involved in group courses for domestic violence, drug and alcohol use, job placement, and nutrition. The therapist opined that respondent appeared to making "moderate progress" in these areas.

The above evidence demonstrates that at the time of trial, which was approximately two years after the filing of the initial petition, respondent still had not fully addressed her substance abuse problem. Rather, she had just recently entered a program that consisted of two or three more months of treatment. She also did not yet have a stable home. Thus, we find that the trial court did not clearly err in finding that the statutory grounds had been established.

Furthermore, we find that the trial court did not clearly err in its best interests determination given the caseworkers' testimony, the amount of time respondent was given to comply with the treatment plan, and respondent's failure to comply with all aspects of the plan. MCL 712A.19b(5).

Affirmed.

/s/ Kirsten Frank Kelly
/s/ David H. Sawyer
/s/ Kurtis T. Wilder

¹ Although a stipulation was presented to the trial court on May 20, 2004, the statutory grounds for termination were still addressed by the trial court at the "best interest" trial. Thus, we will proceed in discussing whether the trial court clearly erred in finding that clear and convincing evidence was presented warranting termination under MCL 712A.19b(3)(c)(i), (g), and (j).